

Supreme Court, U. S.
FILED

SEP 26 1977

MICHAEL RODAK, JR., CLERK

IN THE
Supreme Court of the United States

OCTOBER TERM, 1976

76-1340

WILLIAM R. BONNER, *et al.*,

Appellants,

v.

W. MICHAEL BLUMENTHAL, Secretary of the
Treasury, *et al.*,

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**APPELLANTS' REPLY TO THE MOTION
OF THE SECRETARY OF THE TREASURY
TO DISMISS**

WILLIAM R. BONNER
Box 190, Route 1
Harwood, Md. 20776

Appellant, pro se

IN THE
Supreme Court of the United States

OCTOBER TERM, 1976

WILLIAM R. BONNER, *et al.*,

Appellants,

v.

W. MICHAEL BLUMENTHAL, Secretary of the
Treasury, *et al.*,

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**APPELLANTS' REPLY TO THE MOTION
OF THE SECRETARY OF THE TREASURY
TO DISMISS**

Come now William R. Bonner, *pro se*, on behalf of
all the appellants and in reply to the motion of the
Secretary of the Treasury to dismiss, states as follows:

- 1) The motion to dismiss does not respond to
appellants' motion for a continuance of this
case.
- 2) As pointed out in appellants' brief in support of
the motion for a continuance,¹ this case and the

¹ Appellants' Br. 20-22

Pressler case raise similar constitutional questions. In the event of a decision favorable to appellant *Pressler*, the issues raised by this case will be fully satisfied and further proceedings will not be necessary.

- 3) Appellants are persons of limited means. It would be an unwarranted hardship to return this case to the court below for additional proceedings that would not immediately further the objective of these appellants.
- 4) The Secretary's motion to dismiss entirely misconstrues the nature of the issues raised by the appellant. Appellants do not appeal in this court a decision by the district court to deny standing to sue. Appellants, on the contrary, appeal the district court's denial of appellants' motion to reconsider, which raised due process issues which previously have not been considered by this court on appeal from three-judge courts; e.g., whether the district court's decision to decide factual questions was inadvertent, void, and of no effect whatever in view of the provision of Public Law 93-512(a), the seventh amendment of the U.S. Constitution, and Rule 38(a) of the federal rules of civil procedure.²
- 5) Appellants clearly won standing to sue in the district court by raising "no frivolous constitutional issues falling within the broad rubrick of due process of law."³ Appellants' standing in

² See in this connection footnote 10 of Appellants' Br. 18.

³ Words quoted are from the finding by the district court granting appellants' motion for a three-judge vote.

the district court rests on the same basic ground as does that of appellant *Pressler*, e.g., that voting rights were adversely affected. A valid question is presented therefore: Is it proper to grant standing to a public official and to deny it to an ordinary citizen where the same substantive constitutional right is at issue? This question was evaded by the court below.

CONCLUSION

The motion of appellants for continuance of this case should be granted.

Respectfully submitted,

WILLIAM R. BONNER

pro se